

**IN THE UNITED STATE DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

TRI STATE ADVANCED SURGERY
CENTER, LLC, GLENN A. CROSBY II, M.D.,
F.A.C.S., and MICHAEL HOOD, M.D.,

Plaintiffs

v.

HEALTH CHOICE, LLC, and
CIGNA HEALTHCARE OF TENNESSEE, INC.,

Defendants

CONNECTICUT GENERAL LIFE INSURANCE
COMPANY, CIGNA HEALTH AND LIFE
INSURANCE COMPANY, CIGNA HEALTH AND
LIFE INSURANCE COMPANY, and CIGNA
HEALTHCARE OF TENNESSEE, INC.,

Counterclaim Plaintiffs

v.

SURGICAL CENTER DEVELOPMENT, INC.
D/B/A SURGCENTER DEVELOPMENT, and
TRI STATE ADVANCED SURGERY CENTER, LLC,

Counterclaim Defendants

Case No. 3:14-CV-00143-JM

COUNTERCLAIM DEFENDANTS' MOTION TO STAY DISCOVERY

Counterclaim Defendants Tri State Advanced Surgery Center, LLC and Surgical Center Development, Inc. d/b/a SurgCenter Development respectfully move this Court for an order staying all discovery in this matter pending the outcome of Plaintiffs' Motion for Leave to File an Amended Complaint ("Motion for Leave to Amend") (Docket No. 80). A stay of discovery is crucial in this case because many of the parties' discovery requests and obligations are related to

Plaintiffs' dismissed Sherman Act claim, and without a stay, would subject the parties to unnecessary duplicative discovery. Counterclaim Plaintiffs oppose this Motion.

In support of their Motion to Stay Discovery, Counterclaim Defendants submit the attached Memorandum in Support of Counterclaim Defendants' Motion to Stay Discovery.

Dated: May 18, 2015

Respectfully submitted,

/s/ W. Tucker Brown
Joe R. Whatley Jr.
W. Tucker Brown
Whatley Kallas, LLP
2001 Park Place North
1000 Park Place Tower
Birmingham, AL 35203
Phone: (205) 488-1200
Fax: (800) 922-4851
E-mail: jwhatley@whatleykallas.com
tbrown@whatleykallas.com

Edith M. Kallas
Whatley Kallas, LLP
1180 Avenue of the Americas, 20th Floor
New York, NY 10036
Phone: (212) 447-7060
Fax: (800) 922-4851
E-mail: ekallas@whatleykallas.com

Deborah J. Winegard
Whatley Kallas, LLP
1068 Virginia Avenue NE
Atlanta, GA 30306
Phone: (404) 607-8222
Fax: (404) 220-9625
E-mail: dwinegard@whatleykallas.com

John Emerson
Emerson Poynter LLP
1301 Scott Street
Little Rock, AR 72202
Telephone: (501) 907-2555
Fax: (501) 907-2556
Email: jemerson@emersonpoynter.com

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of May, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which shall send notification of such filing to all counsel of record.

Leigh M. Chiles (#98223)
Leo M. Bearman, Jr. (admitted *pro hac vice*)
Matthew S. Mulqueen
(admitted *pro hac vice*)
Baker, Donelson, Bearman, Caldwell &
Berkowitz, PC
First Tennessee Bank Building
165 Madison Avenue
Suite 2000
Memphis, TN 38103
Telephone: (901) 577-2207
Facsimile: (901) 577-2303
lchiles@bakerdonelson.com
lbearman@bakerdonelson.com
mmulqueen@bakerdonelson.com

Lea Carol Owen (admitted *pro hac vice*)
Baker, Donelson, Bearman, Caldwell &
Berkowitz, PC
211 Commerce Street
Suite 800
Nashville, TN 37201
Telephone: (615) 726-5600
cowen@bakerdonelson.com

John E. Tull, III (#84150)
Chad W. Pekron (#2008144)
Robert Ryan Younger (#2008209)
Quattlebaum, Grooms, Tull & Burrow, PLLC
111 Center Street
Suite 1900
Little Rock, AR 72201-3325
Telephone: (501) 379-1700
cpekron@qgtb.com
jtull@qgtb.com
ryounger@qgtb.com

Joshua B. Simon
Warren Haskel
Ryan D. McEnroe
Dmitriy G. Tishyevich
Christian Reigstad
Terence Y. Leong
(all admitted *pro hac vice*)
Kirkland & Ellis LLP
601 Lexington Avenue
New York, NY 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900
jsimon@kirkland.com
whaskel@kirkland.com
rmcenroe@kirkland.com
dtishyevich@kirkland.com
creigstad@kirkland.com
tleong@kirkland.com

/s/ W. Tucker Brown
Of Counsel